

## Message Text

CONFIDENTIAL

PAGE 01 STATE 212139

44

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 R

DRAFTED BY EA/K:JBOARDMAN:CHG

APPROVED BY P - MR HABIB

L/EA - MR NORTON

PPT - FRANCIS RANDO

S/S - MR. SHANKLE

EA - MR ARMSTRONG

EA/K-MR HURWITZ

JCS/J-5:MR KEARNEY

DOD/ISA - MR FLINT

----- 003754

O 261556Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL IMMEDIATE

C O N F I D E N T I A L STATE 212139

EXDIS

E.O. 11652: GDS

TAGS: PFOR, PINT, KS

SUBJECT: MOFA DISCUSSES ACTIVITIES OF U.S. CIT FAYE MUN

REF: (A) SEOUL 6293; (B) STATE 115802; (C) SEOUL 3320

1. EMBASSY RESPONSE TO MOFA THAT USG DOES NOT CONSIDER ACTIVITIES OF AMERICAN CITIZEN INSIDE U.S. AS VIOLATIONS OF EM-9 OR OF SOFA IS CORRECT. FURTHERMORE, WE CANNOT ACCEPT ANY ROKG ATTEMPT TO APPLY ANTI-SLANDER OR ANY OTHER ROK LAW TO A U.S. CITIZEN'S ACTIVITIES WITHIN OWN COUNTRY. SOFA, AS EMBASSY POINTED OUT, DOES NOT APPLY TO ACTIVITIES OUTSIDE KOREA.

2. EMBASSY SHOULD AS SOON AS POSSIBLE MAKE ABOVE POSITION KNOWN TO MOFA. YOU SHOULD REMIND ROKG THAT, AS WE NOTED  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 212139

AT THE TIME ANTI-SLANDER LAW WAS ENACTED (REF B), WE

WOULD BE SERIOUSLY CONCERNED OVER ANY ATTEMPT TO APPLY THE LAW TO AMERICAN CITIZENS, OR TO KOREANS, FOR THEIR ACTIVITIES IN THE U.S. YOU SHOULD ALSO REMIND MOFA THAT THEY HAVE TOLD US SPECIFICALLY FOREIGN NATIONALS ARE EXCLUDED FROM THE ANTI-SLANDER LAW (REF C).

3. CONCERNING THE ROKG ALLEGATION THAT MRS. MUN IS A

DUAL NATIONAL, WE HAVE NO INDICATION OF THIS AND DO NOT ACCEPT THIS CONTENTION. MRS MUN IS IN THE ROK ON A U.S. PASSPORT AND HAS BEEN ISSUED A ROK VISA AS A U.S. DEFENSE DEPARTMENT CIVILIAN. WITHOUT RESORTING TO LEGAL DEBATE, EMBASSY SHOULD MAKE CLEAR TO MOFA THAT WE DO NOT CONSIDER MRS. MUN A DUAL NATIONAL. FYI: DEPT VERSION OF ROK NATIONALITY ACT SEEMS TO INDICATE THAT ALIEN WIFE OF KOREAN NATIONAL WOULD ACQUIRE ROK NATIONALITY BY MARRIAGE BUT WOULD FORFEIT ROK NATIONALITY UNLESS SHE LOST FORMER NATIONALITY WITHIN SIX MONTHS OF HAVING OBTAINED ROK NATIONALITY. BY THIS INTERPRETATION, SINCE SHE IS STILL A U.S. CITIZEN, MRS. MUN IS NOT A DUAL NATIONAL. YOU MAY WISH TO CHECK ROK LAW ON THIS POINT, BUT OUR POSITION IS NOT BASED ON ROK NATIONALITY LAW IN ANY CASE. END FYI.

4. DEPT BELIEVES THAT THERE IS NO BASIS FOR EMBASSY OCOMUSK TO RAISE ROKG CONCERNS WITH MRS. MUN, SINCE ROK LAW DOES NOT APPLY TO HER ACTIVITIES IN THE U.S. AND WE DO NOT CONSIDER HER ACTIONS IN KOREA TO BE IN VIOLATION OF THE SOFA. FURTHERMORE, TO BRING UP WITH MRS. MUN HER ACTIVITIES IN RESPONSE TO ROKG COMPLAINT WOULD PUT US IN THE POSITION OF SEEMINGLY ATTEMPTING ENFORCE ROK LAW ON A U.S. CITIZEN, AND OF ACKNOWLEDGING EXTRATERRITORIAL ASPECTS OF EM-9 AND ANTI-SLANDER LAW. WE BELIEVE COUNSELING ALREADY CONDUCTED FULFILLS ANY USG OBLIGATION TO WARN MRS. MUN OF POSSIBLE CONSEQUENCES OF HER LOCAL ACTIVITIES ON HER HUSBAND'S BEHALF. EARLIER DISCUSSIONS BETWEEN USFK AND MRS. MUN WERE REPORTED IN U.S. PRESS. AS YOU AWARE, MRS. MUN INTERPRETED DISCUSSIONS AS PRESSURE ON HER TO STOP ACTIVITIES IN BEHALF OF HUSBAND. MOFA IS UNDOUBTEDLY CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 212139

AWARE OF THESE PRESS REPORTS.

5. EMBASSY SHOULD AGAIN MAKE CLEAR TO MOFA THAT ANY ROKG ACTION AGAINST MRS. MUN WOULD NOT BE UNDERSTOOD IN U.S., ESPECIALLY AT A TIME WHEN THE MYONGDONG TRIAL ITSELF IS CAUSING CONSIDERABLE CONCERN IN THE U.S.

KISSINGER

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, DEFAMATION, POLICIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 26 AUG 1976  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** izenbei0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE212139  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JBOARDMAN:CHG  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760326-0364  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760816/aaaaangv.tel  
**Line Count:** 116  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN SS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** EXDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** EXDIS  
**Reference:** 76 SEOUL 6293, 76 STATE 115802, 76 SEOUL 3320  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** izenbei0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 JUN 2004 by ElyME>; APPROVED <24 SEP 2004 by izenbei0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MOFA DISCUSSES ACTIVITIES OF U.S. CIT FAYE MUN  
**TAGS:** PFOR, PINT, KS, (MUN, FAYE)  
**To:** SEOUL  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006